

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re : Chapter 07
:
EDWARD A. MIZVITOWICZ and : Bankruptcy No. 08-11070DWS
BARBARA A. MIZVITOWICZ :
:
Debtor. :

ORDER

AND NOW, this 6th day of March 2008, Debtors having filed a voluntary petition in bankruptcy under chapter 7 on February 14, 2008;

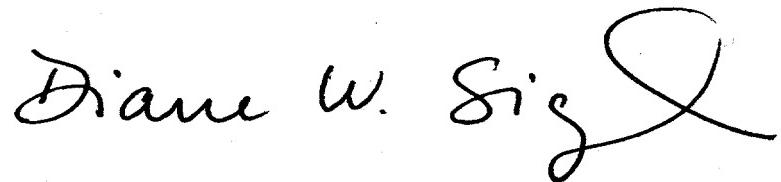
And Debtors having failed to file a certificate evidencing prepetition credit counseling, which is an eligibility requirement for bankruptcy relief pursuant to 11 U.S.C. § 109(h)(1) (“an individual may not be a debtor . . . unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency . . . an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.”). Thus, the credit counseling requirement should be met before the individual files a voluntary bankruptcy petition;

And 11 U.S.C. § 109(h)(3)(A) permitting a debtor to obtain credit counseling after his/her bankruptcy case commenced, but only in very limited circumstances, i.e., a debtor

must certify: (1) that he/she sought credit counseling prior to the filing of the petition; (2) such counseling was not available within five days beginning from the date the debtor made the request; and (3) the debtor needed to file his/her petition for valid, emergency reasons and thus could not wait for such counseling to take place;

And Debtors having filed a Certification of Exigent Circumstances (the “Certification”) that fails to meet the requirements discussed above, namely the Certification indicates that counseling was in fact available within five days beginning from the date Debtors made the request;

It is hereby **ORDERED** that Debtors’ case shall be and hereby is **DISMISSED** for failure to comply with § 109(h).

A handwritten signature in black ink, appearing to read "Diane W. Sigmund". The signature is fluid and cursive, with "Diane" and "W." on the first line and "Sigmund" on the second line.

DIANE WEISS SIGMUND
U.S. Bankruptcy Judge